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EXAMINER
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BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/850,384

Applicant(s)

NGUYEN ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*HL*

***Response to Amendment***

This Office Action is in response to a communication made on February 28, 2005.

Claims 1-45 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 6-9, 11-18, 22-25, 27-32, 36-39, 41-45 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Brown (6381321).**

Regarding claims 1, 15, 31, and 45, Brown discloses a method for sharing distributed media resources, comprising: determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device (Column 9, lines 16 – 21); selecting an appropriate media resource device from a media resource group list associated with the telephony device (Column 9, lines 21 – 25; Column 3, lines 46 – 51); and communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device (Column 9, lines 24 – 28).

Regarding claims 6, 22, and 36, Brown discloses that the media resource group list includes a plurality of device names each identifying a media resource device; and selecting an appropriate media resource device comprises selecting a device name from the media resource group list (Column 13, lines 10 – 20).

Regarding claims 8, 24, and 35, Brown discloses that the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name; and selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device (Column 13, lines 10 – 20; Column 14, lines 12 – 18).

Regarding claims 9, 25, and 39, Brown discloses that the media resource groups are ordered in the media resource group list; the device names are ordered in each media resource group (Column 11, lines 43 – 52; Column 14, lines 10 – 11); and selecting an appropriate media resource device comprises searching through the media resource groups and the device names in each media resource group in order till a device name associated with the required device type is found (Column 13, lines 45 – 57).

Regarding claims 11, 27, and 41, Brown discloses that one or more of the media resource groups include only media resource devices for use by a particular class of user (Column 14, lines 19 – 23).

Regarding claims 12, 28, and 42, Brown discloses receiving an allocation response from the device process indicating that the selected media resource device is available (Column 13, lines 58 – 67); and establishing a media streaming connection between the telephony device and the media resource device (Column 10, lines 19 – 22; Column 9, lines 24 – 28).

Regarding claims 14 and 44, Brown discloses receiving the media resource group list associated with the telephony device from the telephony device (Column 14, lines 19 – 24).

Regarding claim 16, Brown discloses that the control module comprises a call control module (Column 9, lines 16 – 20).

Regarding claim 17, Brown discloses that the control module comprises a media control module (Column 11, lines 17 – 23).

Regarding claim 30, Brown discloses that the control module is further operable to: receive the media resource group list associated with the telephony device from the telephony device (Column 14, lines 19 – 24); and communicate the media resource group list to the media resource manager (Column 13, lines 45 – 57).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Gilman (5757781).**

Regarding claims 3, 19, and 33, Brown does not explicitly indicate determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to initiate a conference call. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes allowing the telephones to use conference calling (Column 5, lines 37 – 43; lines 53 – 66). It would have obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teachings of having conference calls as a media resource in Browns system in order to allow the expansion of just point-to-point calls into calls involving more parties, while using the resource allocation advantages of a dynamic system (Column 2, lines 5 – 22).

Regarding claims 4, 20, and 34, Brown does not explicitly indicate that determining the telephony device requires the use of a media resource device comprises determining that a media termination point is required to maintain a communication session with the telephony device. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes using terminating means into an established communication (Column 2, lines 55 – 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teaching of termination points as a media resource in Brown's system in order to allow users more operations and choices for

telecommunicating including hold, transfer, conference and drop (Column 9, lines 51 – 54).

Regarding claims 5, 21, and 34, Brown does not explicitly indicate that determining the telephony device requires the use of a media resource device comprises determining that the telephony device has been placed on hold and may be connected to a music-on-hold server. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes allowing music or video to be played while a telephony device is on hold (Column 10, lines 20 – 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teaching a media resource to play music or video while a telephone is on hold in Brown's system in order to provide additionally features to a user, while allowing those features to be dynamically allocated (Column 1, lines 48 – 55).

**Claims 2, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Malomsoky (6512918).**

Regarding claims 2, 18, and 32, Brown discloses determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to establish a telecommunication with a second telephony device (Column 9, lines 16 – 21), but does not explicitly indicate determining that a transcoder is required to establish the telecommunication. Malomsoky discloses a call setup system that determines if a call needs a transcoder and selects a transcoder from a pool of transcoder resources to allocate to the call (Column 2, lines 32 – 39). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to allow the network to be adaptable and maintain quality of service (Column 1, line 62 – Column 2, line 5).

**Claims 7, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Corduroy (5978465).**

Regarding claims 7, 23, and 37, Brown discloses accessing a mapping table to determine availability (Column 11, lines 13 – 15; Column 13, lines 10 – 20), but does not explicitly indicate that the mapping table indicates a process identification (PID) associated with the selected device name, the PID identifying a device process associated with the media resource device identified by the device name; and communicating the allocation request to the device process using the PID. Corduroy discloses a mapping table (Figure 5) that includes the process/host that is in control of the particular resource (Column 7, lines 18 – 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Corduroy's teaching of identifying a resource with the process that is controlling the resource in order to ensure that other processes cannot retake or disrupt one process's resource usage (Column 6, lines 43 – 49) in Brown's system.

**Claims 13, 29, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Cave (7959854).**

Regarding claims 13, 29, and 43, Brown does not explicitly indicate receiving an allocation response from the device process indicating that the selected media resource device is unavailable; selecting a second appropriate media resource device from the



media resource group list; and communicating an allocation request to a second device process associated with the second media resource device. Cave discloses receiving an allocation response from the device process indicating that the selected media resource device is unavailable; selecting a second appropriate media resource device from the media resource group list; and communicating an allocation request to a second device process associated with the second media resource device (Column 4, lines 30 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cave's teachings of searching for resources that are being least used in order to optimize the resource use in Brown's system (Column 4, lines 47 – 52).

**Claims 10, 26, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Shaffer (6687234).**

Regarding claims 10, 26, and 40, Brown does not explicitly indicate that one or more of the media resource groups include only media resource devices located in the same geographic area. Shaffer teaches using geographic locations of media resources in determining what applications use what media resource (Column 2, lines 11 – 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take geographic location into consideration while determining optimal telecommunication resource allocation (Column 2, lines 49 – 60).

### ***Response to Arguments***

Applicant's arguments filed February 28, 2005 regarding claims 1 and 9 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues that the reference, Brown, does not disclose a second call manager that controls the selected media resource device. The examiner disagrees, Brown discloses lots of manger modules operating on the telecommunication system, while they operate on the same system they can be considered a first and second manager, and Brown discloses a manager that controls allocation to media resource devices (Column 11, lines 1 – 12).

Regarding claim 9, the applicant argues that the reference, Brown, does not order the media devices into a group list or search that list. The examiner disagrees, as seen in column 14, lines 10 – 11, that there is a table involving the resource groups and they are kept in the database (column 13, lines 45 – 57) where a database is a place where the manager can go to search for the available telecommunication resource that needs to be used to complete the connection.

Applicant's arguments with respect to claims 2, 7, and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

April 7, 2005

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER